

1 ROBERT K. PHILLIPS, ESQ.
2 Nevada Bar No. 11441
3 TIMOTHY D. KUHLS, ESQ.
4 Nevada Bar No. 13362
5 **PHILLIPS, SPALLAS & ANGSTADT LLC**
6 504 South Ninth Street
7 Las Vegas, Nevada 89101
(702) 938-1510
(702) 938-1511 (Fax)
rphillips@psalaw.net
tkuhls@psalaw.net

8 *Attorneys for Defendant*
9 *Walmart Stores, Inc.*

10 **UNITED STATES DISTRICT COURT**

11 **DISTRICT OF NEVADA**

12 MARK HO,
13 v. Plaintiff,
14 WAL-MART STORES INC., a Foreign
15 corporation; DOES I through X, inclusive and
16 ROE CORPORATIONS I through X, inclusive,
Defendants.

Case No.: 2:18-cv-01114-GMN-VCF

STIPULATION AND ORDER TO
CONDUCT CERTAIN
DISCOVERY OUTSIDE THE
DISCOVERY PERIOD

[FIRST REQUEST]

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19 Plaintiff, MARK HO (hereinafter “Plaintiff”), and Defendant, WAL-MART STORES, INC.
20 (hereinafter “Defendant” or “Walmart”), by and through their respective counsel of record, do hereby
21 stipulate to conduct certain discovery outside the discovery period. Specifically, the parties stipulate
22 that **Defendant shall take the depositions of fact witnesses, ROBERT CUI and SUNSEARAE**
23 **CUI on May 13th, 2019. If said witnesses are not available on said date, the depositions will be**
24 **completed within one week thereof.**

25 Pursuant to Local Rule 2.25, the parties hereby aver that this is the first such discovery request
26 to take certain depositions *outside* the discovery period.

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DISCOVERY COMPLETED TO DATE

- The parties conducted the FRCP 26(f) conference on July 11, 2018. As to serving their respective initial FRCP 26(a) disclosures and supplements thereto, please see the following:
 - Plaintiff served his initial disclosure statement on August 9th, 2018;
 - Plaintiff served his first supplemental disclosure statement on September 21st, 2018;
 - Plaintiff served his second supplemental disclosure statement on November 1st, 2018;
 - Plaintiff served his third supplemental disclosure statement on December 10th, 2018;
 - Plaintiff served his fourth supplemental disclosure statement on December 21st, 2018;
 - Plaintiff served his fifth supplemental disclosure statement on January 30th, 2019;
 - Plaintiff served his sixth supplemental disclosure statement on February 28th, 2019;
 - Plaintiff served his seventh supplemental disclosure statement on March 22nd, 2019;
 - Plaintiff served his eighth supplemental disclosure statement on April 9th, 2019;
 - Defendant served its initial disclosure statement on August 23rd, 2018;
 - Defendant served its first supplemental disclosure statement on November 28th, 2018;
 - Defendant served its second supplemental disclosure statement on February 1st, 2019;
 - Defendant served its third supplemental disclosure statement on February 4th, 2019;
 - Defendant served its fourth supplemental disclosure statement on February 15th, 2019;
 - Defendant served its fifth supplemental disclosure statement on March 13th, 2019; and
 - Defendant served its sixth supplemental disclosure statement on April 8th, 2019.
 - Plaintiff served Defendant with an initial set of Requests for Production, Interrogatories and Requests for Admissions on August 1st, 2018. Defendant submitted responses to said written discovery on October 22nd, 2018 and October 23rd, 2018, respectively;
 - Defendant served Plaintiff with initial set of Requests for Production, Interrogatories and Requests for Admissions on November 5th, 2018. Plaintiff served responses to said written discovery on December 10, 2018;
 - Defendant took Plaintiff's deposition on February 15th, 2019;
 - Defendant took the deposition of fact witness Sonia Medina on April 12th, 2019; and
 - Plaintiff took Walmart's 30(b)(6) deposition on April 22nd, 2019.

1 **DISCOVERY TO BE COMPLETED AND REASONS TO CONDUCT DISCOVERY**

2 Discovery to be completed includes:

- 3 • Depositions of fact witnesses ROBERT CUI on May 13th, 2019, and SUNSEARAE LEHUA
4 CUI on May 13th, 2019;

5 The parties aver that good cause exists for the request pursuant to Local Rule 2.25. Defendant
6 represents to the Court that fact witnesses Robert and Sunsearae Cui were properly noticed for
7 deposition on April 12, 2019. Due to unforeseen circumstances, Mr. Cui and Ms. Cui could not appear
8 and agreed to be deposed at a later date agreed upon by the parties. In order to avoid lengthy motion
9 practice re-opening discovery to take said depositions, the parties have agreed to notice and conduct
10 the depositions of Mr. and Ms. Cui on May 13th, 2019. The parties aver that the requested discovery is
11 not to delay litigation, but instead allow Plaintiff and Defendant to litigate fairly and avoid any
12 possibility of objection(s) or Court intervention. The parties aver that the above-referenced depositions
13 are the last discovery efforts to be completed prior to the filing of dispositive motions on May 19,
14 2019.

15 **CURRENT UPCOMING DISCOVERY DEADLINES**

16 **Discovery Cut-Off Date** **April 18, 2019**

17 **Dispositive Motion Deadline** **May 19, 2019**

18 **Proposed Joint Pre-Trial Order** **June 18, 2019**

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1 If this request is granted, all anticipated additional discovery should be concluded in a timely
2 manner. The parties aver that this request for discovery is made by the parties in good faith and not for
3 the purpose of delay.

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5 DATED this 25 day of April, 2019.

6 */s/ Joel S. Hengstler*

7 MICHAEL C. KANE, ESQ.
8 Nevada Bar No. 10096
9 BRADLEY J. MYERS
Nevada Bar No. 8857
10 JOEL S. HENGSTLER, ESQ.
Nevada Bar No. 11597
THE702FIRM
400 S. 7th Street, Suite 400
11 Las Vegas, NV 89101

12 *Attorneys for Plaintiff*
13 *Mark Ho*

14

15 DATED this 25 day of April, 2019.

16 */s/ Timothy D. Kuhls*

17 ROBERT K. PHILLIPS, ESQ.
Nevada Bar No. 11441
18 TIMOTHY D. KUHLS, ESQ.
Nevada Bar No. 13362
PHILLIPS SPALLAS & ANGSTADT LLC
504 South Ninth Street
Las Vegas, Nevada 89101

19 *Attorneys for Defendant*
20 *Walmart Stores, Inc.*

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22 **IT IS SO ORDERED:**

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25 **UNITED STATES MAGISTRATE JUDGE**

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27 **DATED:** 4-25-2019

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